

### **REMARKS**

#### **Status of Case**

Claims 6-19 are pending in this case.

#### **Objection to Claims**

Claim 5 was objected to for lack of clarity of the claim language. Applicants cancel claim 5 thereby rendering the objection moot.

#### **Rejection under 35 USC § 112, second paragraph**

Claims 1-5 were rejected under 35 USC § 112, second paragraph as failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Office Action states that it cannot determine the specific physical structure for the “storing means,” “execution means,” “determination means,” and “prevention means.” Applicants respectfully contend that the structure associated with the recited means limitations are clearly evident in the specification. Regardless, and without acquiescing to the rejection, Applicants cancel claims 1-5 thereby rendering the objection moot.

#### **Rejection under 35 USC § 101**

Claim 5 was rejected under 35 USC § 101 as being to non-statutory subject matter for the term “computer program product.” Applicants cancel claim 5 thereby rendering the objection moot.

#### **Rejection under 35 USC § 102(b)**

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,092,194 (Touboul).

The Touboul reference teaches preventing a “downloadable” from being downloaded if it is deemed suspicious. For example, the Touboul reference teaches the following configuration, as depicted in Figure 1 (reproduced below):

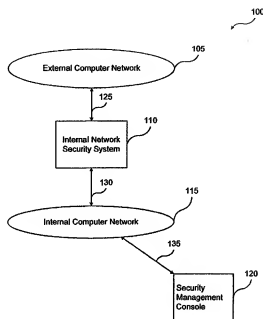


FIG. 1

The Touboul reference teaches that the software to prevent the download is resident on the Internal Network Security System 110. In particular, the Touboul reference teaches that the Internal Network Security System 110 blocks the “downloadable” prior to being stored on the network if it is deemed suspicious. See col. 3, lines 10-13 “The internal network security system 110 examines Downloadables received from external computer network 105, and prevents Downloadables deemed suspicious from reaching the internal computer network 115.”; see also col. 6, line 64 – col. 7, line 2. In this way, the Internal Network Security System 110 can discard the “downloadable”, thereby preventing the “downloadable” from even entering the Internal Computer Network 115.

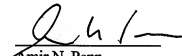
In contrast to the Touboul reference, the claims as currently presented recite determining whether to prevent execution **when the application program is executed**. See claim 6 (“a determination unit configured to determine, **when the application program is executed**, whether a target code is included in the restriction code, the target code being an instruction code in the application program to be executed by the execution unit”) (emphasis added); claim 19 (“determining, **when the application program is executed**, whether a target code is included in the restriction code, the target code being an instruction code in the application program to be

executed by the execution unit”) (emphasis added). This is significantly different from the teaching in the Touboul reference, which effectively includes a firewall that determines whether to even allow any downloaded program to enter the system. In fact, the Touboul reference teaches that the “downloadable” is blocked prior to storage on any terminal device and most certainly before any opportunity to execute the “downloadable.” Therefore, for at least the reasons cited, the claims are patentable over the cited references.

### SUMMARY

Applicants submit that based on the foregoing remarks, the rejections have been traversed, and that the claims are in condition for allowance. Should there be any remaining formalities, the Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

  
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